



June 30, 1999

Ms. Barbara G. Heptig
Assistant City Attorney
City of Arlington
Mail Stop 04-0200
P.O. Box 1065
Arlington, Texas 76004-1065

OR99-1808

Dear Ms. Heptig:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 125400.

The Arlington Police Department (the "department") received an open records request for

any records of [a named individual] being arrested or receiving a citation if [sic] he has what home address did he give and place of employment.

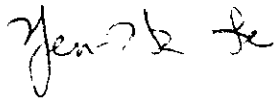
You have submitted three separate records to this office as responsive to the request. You contend that these documents are excepted from required public disclosure pursuant to section 552.101 of the Government Code.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," including information coming within the protection of common-law privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Common-law privacy protects information if it is highly intimate or embarrassing, such that its release would be highly objectionable to a reasonable person, *and* it is of no legitimate concern to the public. *Id.* at 683-85. In *United States Department of Justice v. Reporters Committee For Freedom of the Press*, 489 U.S. 749 (1989), the U.S. Supreme Court concluded that where an individual's criminal background is compiled or summarized by a governmental entity, the information takes on a character that implicates that individual's right of privacy in a manner that the same individual records in an uncompiled state do not.

We agree with your contention that the department must deny a request to compile the referenced individual's criminal background on privacy grounds. The requested information must be withheld in accordance with *Reporters Committee*. But see Gov't Code §§ 441.135 (Texas Department of Public Safety required to provide to any person criminal conviction information "maintained by the department that is a court record of a public judicial proceeding"), 521.046(a) (Texas Department of Public Safety required to provide individual's three year record of "moving violation" convictions if provided with individual's driver's license number or individual's full name and date of birth).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/RWP/eaf

Ref.: ID# 125400

Encl. Submitted documents

cc: Mr. Steve Stephenson
Legal Investigation Services
P.O. Box 822734
Dallas, Texas 75382
(w/o enclosures)